

U.S. Patent Application No.: 09/529,374
AMENDMENT C

ATTORNEY DOCKET: 3933.002

REMARKS

Review and reconsideration of the Office Action of May 6, 2003, is respectfully requested in view of the above amendment and following remarks.

Applicant is submitting additional figures, Fig. 6a and Fig. 6b in response to the Examiner's request for a figure showing a "finished module." Applicant requests that the Examiner enter the new figures. Applicant is also submitting Replacement Sheets for Fig. 2 and Fig. 3 which show the "incurved part" as requested by the Examiner. Care has been taken to ensure that no new matter is added and Applicant respectfully requests that the Examiner enter the new/replacement figures.

The claims have been amended to overcome all of the formalities rejections. Five new claims have been added. New claim 21 is supported by previous claim 2, new claim 22 is supported by previous claim 5, new claim 23 is supported by previous claim 8, new claim 24 is supported by previous claim 11, and new claim 25 is supported by previous claim 13.

Applicant has canceled claims 10 and 12. The claims therefore pending are claims 2-9, 11, 13-14, 16, and 18-25.

Applicant respectfully submits that the Examiner neither rejected independent Claim 4 nor deemed the claim allowable. Applicant respectfully requests that the Examiner acknowledge claim 4 as allowable.

U.S. Patent Application No.: 09/529,374
AMENDMENT C

ATTORNEY DOCKET: 3933.002

Office Action

Turning now to the Office Action in greater detail, the paragraphing of the Examiner is adopted.

Paragraphs 1 -2 (DRAWINGS)

The Examiner objects to the drawings as failing to comply with 37 CFR 1.83(a) because the drawings must show every feature of the invention specified in the claims. A proposed drawing correction, or corrected drawings, are required in reply to the Office Action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

In response, Applicant has amended Fig. 2 and Fig. 3 to include a reference number for the incurved part, (12). In response to the Examiner's objection that the drawings do not show a finished module, Applicant respectfully submits the enclosed Fig. 6a and 6b showing two embodiments of fully-equipped modules (Applicant has also amended the specification to reference these new figures). Also enclosed with this response are Attachments A and B which Applicant submits will help the Examiner to understand the present invention. Entry is respectfully requested. Care has been taken to ensure that no new matter is added.

Accordingly, withdrawal of the objections is respectfully requested.

Paragraph 3 (SPECIFICATION)

The Examiner objects to the specification as failing to provide proper antecedent basis for the claimed subject matter.

It is the Examiner's position that there is no support in the specification for a "transverse bearer" in the claims.

In response, Applicant refers the Examiner to Applicant's Amendment B which amended the specification to clarify support for a "transverse bearer".

Accordingly, withdrawal of the rejection is respectfully requested.

Paragraphs 4 (Formalities)

The Examiner objects to claim 20 for informalities.

Applicant appreciates the Examiner's helpful comments and has amended claim 20 accordingly. Entry is respectfully requested. Care has been taken to ensure that no new matter is added.

Paragraphs 5-8 (Formalities)

The Examiner rejects Claims 2, 5, 8, 10, 11 and 13 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant appreciates the Examiner's helpful comments and has amended the claims accordingly. Applicant has added new claims 21-25. New claim 21 is supported by previous claim 2, new claim 22 is supported by previous claim 5, new claim 23 is supported by previous claim 8, new claim 24 is supported by previous claim 11, and new claim 25 is supported by previous

U.S. Patent Application No.: 09/529,374
AMENDMENT C

ATTORNEY DOCKET: 3933.002

claim 13. Accordingly, entry of the amendments and withdrawal of the rejections is respectfully requested.

Paragraphs 9-10 (Anticipation)

The Examiner rejects Claims 6, 8, 9-11, 16, and 18-20 under 35 U.S.C. 102(b) as being anticipated by US Patent Num. 4,346,540 to ANDERSON ("ANDERSON").

The position of the Examiner can be found on page 4-5 of the Office Action. In part, the Examiner's position is that ANDERSON discloses that a building includes exterior walls, windows and doors (the Examiner cites ANDERSON, column 7, lines 57-64).

Applicant respectfully traverses.

For a reference to anticipate, it must disclose all the limitations of the claims. Applicant respectfully submits that each of the limitations of currently amended independent claims 18 and 20 are not disclosed in ANDERSON.

The present invention concerns three-dimensional elements (modules) of a building, which are prefabricated in a factory and mounted at the building site in order to form an entire house.

The modules are fully equipped in the factory; walls are finished, electrical and sanitary equipment are installed; the floor covering is laid; thus, upon installing the modules, the house is ready for occupation.

The present invention differs substantially from the cited reference as far as the basic conception and the interconnection of the modules.

The present invention requires a sturdy steel construction, and the cited reference requires light construction composed of aluminum.

The elements of the present application are pre-fabricated in a factory in such a way that they only need to be superposed and interconnected at the building site.

Applicant reviewed ANDERSON and notes that, compared with amended Claims 18 and 20, ANDERSON fails to teach:

- 1) that the module includes exterior walls, interior walls, fittings, interior finishing, roof covering, and windows (finished module).
- 2) at least one pair of pillars having a first section and a second section interconnected by the use of a transverse bearer and pins.

Regarding point 1

Applicant respectfully submits that the Examiner has misunderstood the present invention over the disclosures of ANDERSON. The present invention is based on delivering completed fully-equipped modules to the project site. In the present invention, the exterior walls, interior walls, fittings, interior finishing, roof covering, and windows are all provided in one module to the project site for installation as a single component. Applicant respectfully submits that ANDERSON does

not disclose such fully-furnished modules, but rather discloses only a partially completed framework such that substantial additional work (including finishing) must be undertaken at the project site.

The Examiner indicates that ANDERSON discloses that "the building includes exterior walls, windows and doors..." (Paragraph 13 of the Office Action). Applicant acknowledges that buildings do ultimately include these elements, but Applicant respectfully submits that ANDERSON does not teach that the modules contain these elements. The cited passage from ANDERSON (column 7, lines 57-65) states:

After the completion of the framework, surface covering elements shall be put in place. Thus, the floor structure (sic) elements support floor elements for the forming of the floor surfaces and ceiling elements for the forming of the ceilings. An insulation can be introduced between the floor- and ceiling elements. In the squares formed by the beams 4 and the upright elements 7 facade elements and windows and doors respectively shall be inserted. (Emphasis Added)

Applicant submits that ANDERSON is limited to teaching a "framework" to be constructed and that finishing work is to be completed at the project site after the framework has been assembled. This is in stark contrast to the present invention in which these finishing touches are completed at the factory

such that fully-equipped modules with flooring, ceilings, interior and exterior walls, etc., are delivered to the project site. The present invention allows construction to proceed rapidly at the project site, whereas the method disclosed in ANDERSON leaves numerous tasks to be completed only after the framework has been assembled.

Applicant notes that ANDERSON is directed to prefabricated building **frameworks**.

According to the Webster dictionary, the term "framework" is defined as:

"A structure for supporting or enclosing something else, especially a **skeletal support** used as the basis for something being constructed."

According to the Encarta, the term "framework" is defined as:

"system of interconnecting bars: a structure of connected horizontal and vertical bars with spaces between them, especially one that forms the **skeleton** of another **structure**"

A skeletal support cannot be considered as a finished structure. Thus, ANDERSON does not teach a finished module including exterior walls, interior walls, fittings, interior finishing, roof covering, and windows (finished module).

Furthermore, column 2, lines 36-39 of ANDERSON, states:

As the framework is possible to erect in a short time, it is possible to promptly get a "shell" inside of

which the work for the finishing of the building can be made under a roof.

Applicant further notes that the last sentence of the paragraph cited by the Examiner from ANDERSON (paragraph starts on column 7, line 57 and continues to column 8, lines 17), confirms that ANDERSON is not describing fully-equipped modules as in the present invention:

The supplementing arrangements now indicated for the completion of the framework of a finished building is, however, not the subject of the present application and will therefore not be further described. (Emphasis added)

Applicant respectfully submits that ANDERSON does not teach fully-equipped modules as in the present invention.

Thus, ANDERSON does not teach a finished module as claimed by claim 18 and 20 and claims that depend therefrom.

Regarding Point 2

Applicants note that the vertical pillars of ANDERSON are not formed by two interconnected pieces. The pillars are formed by a single piece element.

The interconnection between the sections of the present invention ensure an accurate vertical and horizontal building structure through a simple plug connection. The pins vertically connect the sections of the pillars of two superposed modules and guide the modules when mounted one on top of the other. The

pins determine the alignment and precise distance of the superposed module from the module below.

The use of sections that interconnect will allow serial production modules that will provide housing at a very competitive price.

Furthermore, there is no technical motivation from ANDERSON to build the pillars having two sections because one of the objectives of ANDERSON is to diminish the number of parts to form the framework. See column 2, lines 8-14 of ANDERSON.

To a high extent, the invention also provides a jointing of the elements to each other without use of separate components. **Thus, the jointing of the upright elements, the beams, columns, and intermediate beams can be made without any separate components in the form of screws or similar.** Thereby, it is accomplished that the framework can be erected in a very short time without the risk that any components are missing at the erection work. The larger elements are not so easily missed while smaller components as screws and similar can be lost.

Thus, ANDERSON does not anticipate present claims 18 or 20, nor claims that depend therefrom, claims 2, 3, 5-9, 11, 13-14, 16, 19, and 21-25.

Accordingly, withdrawal of the rejections is respectfully requested.

U.S. Patent Application No.: 09/529,374
AMENDMENT C

ATTORNEY DOCKET: 3933.002

Paragraphs 11-12 (Obviousness)

The Examiner rejects Claims 2, 3, 5, 7, 12, 13, and 14 under 35 U.S.C. 103(a) as being obvious over US Patent Num. 4,346,540 to ANDERSON.

The position of the Examiner can be found on pages 5-7 of the Office Action.

Applicant respectfully traverses for the same reasons set forth in paragraphs 9-10.

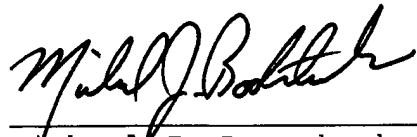
Paragraphs 13-14 (Response to Arguments)

The Examiner responds to Applicants remarks from the previous Office Action on pages 7-8 of the current Office Action.

Accordingly, withdrawal of the rejections is respectfully requested.

Favorable consideration and early issuance of the Notice of Allowance are respectfully requested. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

Respectfully submitted,



Michael J. Bootcheck
Registration No. 52,636

PENDORF & CUTLIFF
5111 Memorial Highway
Tampa, FL 33634-7356
(813) 886-6085

Date: December 3, 2003

U.S. Patent Application No.: 09/529,374
AMENDMENT C

ATTORNEY DOCKET: 3933.002

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing AMENDMENT C and Petition for Three Months' Extension of time for U.S. Application No. 09/529,374 filed April 12, 2000, was deposited in first class U.S. mail, postage prepaid, addressed: Attn: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **December 3, 2003**.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Michael J. Bootcheck